

THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 6 NUMBER 197

Washington, Thursday, October 9, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 386, 6th revision]

PART 301—DOMESTIC QUARANTINE NOTICES

GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE REGULATIONS MODIFIED

Introductory note. This revision of circular B. E. P. Q. 386 adds to the list of articles exempted from certification requirements, box shooks, when newly manufactured; cuttings and branches (for ornamental use) of boxwood, of California peppertree, and of eucalyptus; cuttings of greenhouse-grown woody plants when so labeled; and wood flour, pulverized wood, or ground wood sawdust when sifted through a screen of at least 30 meshes to the inch.

§ 301.45a *Administrative instructions; articles exempted from restrictions.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.45 of this chapter, the following articles, the interstate movement of which is not considered to constitute a risk of moth dissemination, are exempted from the restrictions of the regulations of this quarantine, effective October 10, 1941:

Acacia cuttings (for ornamental use) (*Acacia* spp.).
Banana stalks, when crushed, dried, and shredded.
Birch slabs for use as post cards.
Birch bark when waxed, polished, or otherwise treated to adequately eliminate all risk of transmitting infestation and when used in the manufacture of novelties.
Box shooks, when newly manufactured and planned on four sides.
Boxwood cuttings and branches (for ornamental use) (*Buxus sempervirens*).
Cable reels, when newly manufactured and empty.
California peppertree cuttings and branches (for ornamental use) (*Schinus molle*).
Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).
Cuttings of woody plants that have been grown in the greenhouse throughout the year, when labeled on the outside of the

container to show that the contents were greenhouse grown.
Eucalyptus cuttings and branches (for ornamental use) (*Eucalyptus globulus*).
Evergreen smilax (*Smilax lanceolata*).
Fuchsia (*Fuchsia* spp.).
Galax (*Galax aphylla*).
Geranium (*Pelargonium* spp.).
Heather cuttings (for ornamental use) (*Erica* spp., *Calluna* spp.).
Heliotrope (*Heliotropium* spp.).
Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.
Jerusalem-cherry (*Solanum capsicastrum*, *S. pseudocapsicum*, *S. hendersoni*).
Leaves of deciduous or evergreen trees that have been treated or dyed.
Mistletoe (*Phoradendron flavescens*, *Viscum album*, etc.).
Oregon huckleberry (*Vaccinium ovatum*).
Partridgeberry (*Mitchella repens*).
Strawberry plants (*Fragaria* spp.).
Trailing arbutus (*Epigaea repens*).
Verbena (*Verbena* spp.).
Wintergreen (*Gaultheria* spp., *Pyrola* spp.).
Wood flour, pulverized wood, or ground-wood sawdust, when processed by screening or sifting through a screen of at least 30 meshes per inch.

All previous lists of exempted articles are superseded by the instructions in this section. (Sec. 8, 39 Stat. 165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 2d day of October 1941.

[SEAL] P. N. ANNAND,
Chief.

[F. R. Doc. 41-7531; Filed, October 8, 1941; 11:04 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS

PART 510—GENERAL REGULATIONS, WASHINGTON NATIONAL AIRPORT

Sec. Definitions.
510.1 General rules and regulations.
510.2 Airport manager.
510.20 Restricted areas.
510.21 Particular areas.
510.22 Observation balcony.
510.23 Conduct of business.
510.230 Soliciting.
510.231 Taxicabs.
510.232 Advertisements.
510.24 Commercial photography.
510.25 Use of roads and walks.
510.26 Dogs.
510.27 Lost articles.

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Bureau of Entomology and Plant Quarantine:	Page
Gypsy moth and brown-tail moth, regulations amended	5131
TITLE 14—CIVIL AVIATION:	
Administrator of Civil Aeronautics:	
Washington National Airport, general regulations, aeronautical rules (2 documents)	5131, 5134
TITLE 19—CUSTOMS DUTIES:	
Bureau of Customs:	
Ajo, Ariz., designation of municipal airport as airport of entry revoked	5135
TITLE 24—HOUSING CREDIT:	
Federal Savings and Loan Insurance Corporation:	
Insurance of accounts, additional premium in mergers, etc., amendment	5135
TITLE 30—MINERAL RESOURCES:	
Bituminous Coal Division:	
Minimum price schedules, etc.:	
District No. 7	5135
District No. 15	5136
TITLE 33—NAVIGATION AND NAVIGABLE WATERS:	
Corps of Engineers:	
Jupiter Inlet and Fort Pierce, Fla., danger zone regulations	5136

NOTICES

Department of the Interior:	
Bituminous Coal Division:	
District Board 8, petition dismissed	5137
Hearings:	
Collins, Isaac, Coal Co.	5141
Ewen, A. B.	5141
Fannin, E. H.	5140
Galbraith & Son Coal Co.	5139
Miller Bros.	5142
Williamson, J. B.	5140

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

CONTENTS—Continued

Department of the Interior—Con.	
Bituminous Coal Division—Con.	
Hearings postponed:	Page
Caputo, Tony.....	5138
District Board 11.....	5138
Tway, R. C., Coal Sales Co.....	5138
Traux-Traer Coal Co., relief denied.....	5137
Wyatt Coal Sales Co., typographical errors corrected.....	5137
Department of Labor:	
Wage and Hour Division:	
Learner employment certificates, issuance for various industries (2 documents).....	5142
Securities and Exchange Commission:	
American Utilities Service Corp., declaration permitted to become effective.....	5145
Hearings:	
National Plan, Inc.....	5144
Selected Investments, Inc.....	5144
Public Service Corp. of N. J., findings corrected, etc.....	5144
United Corp., hearing postponed.....	5144

Sec.	
510.3	Motor vehicle regulations.
510.30	General.
510.31	Motorized equipment.
510.32	Operator's certificate.
510.33	Speed.
510.34	Operation rules.
510.35	Accident reports.
510.36	Parking.
510.37	Motor vehicle lights.
510.38	Intoxication.
510.39	Busses.
510.4	General rules of conduct.
510.40	Disorderly conduct.
510.41	Gambling.
510.42	Sanitation.
510.43	Preservation of property.
510.44	Airport and equipment.
510.45	Firearms, explosives and inflammable equipment.
510.5	Fire hazards.
510.50	Cleaning of aircraft.
510.51	Open flame operations.
510.52	Storage.
510.520	Storage of inflammable material.

Sec.	
510.521	Lubricating oils.
510.522	Waste.
510.53	Smoking.
510.54	Cleaning fluids.
510.55	Floor care.
510.56	Doping.
510.57	Fueling operations.
510.58	Fire apparatus instruction.
510.59	Radio operation.
510.6	Aircraft.
510.60	Parking of aircraft.
510.61	Interfering and tampering with aircraft.
510.62	Running of engines.
510.63	Repair of aircraft.
510.7	Tractor operations in hangar.
510.8	Obligations of tenants.
510.80	Signs and bulletin boards.
510.81	Workmen's compensation.
510.82	First aid equipment.
510.83	Storage of equipment.
510.84	Fire apparatus.
510.9	Penalties.

SEPTEMBER 25, 1941.

Acting pursuant to the authority vested in me by Act of Congress approved June 29, 1940, particularly sections 2 and 3 thereof, and finding that my action is necessary for the proper exercise of the powers vested in me under said Act, I hereby repeal all rules and regulations heretofore prescribed by me for the Washington National Airport and adopt the following regulations for the care, operation, maintenance and protection of the Washington National Airport.

§ 510.1 *Definitions.* (a) "Airport" means the Washington National Airport. (b) "Administrator" means the Administrator of Civil Aeronautics.

(c) "Manager" means the Airport Manager appointed by the Administrator of Civil Aeronautics to govern, superintend, control, and protect the Washington National Airport.

(d) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body political; and includes any trustee, receiver, assignee, or other similar representative thereof.

(e) "Board" means Civil Aeronautics Board.*

*§§ 510.1 to 510.9, inclusive, issued under the authority contained in sec. 2, 54 Stat. 686.

§ 510.2 *General rules and regulations.*

§ 510.20 *Airport manager.* All persons on any part of the property comprising the Airport shall be governed by the regulations prescribed in this part and by orders and instructions of the Manager relative to the use or occupation of any part of the property comprising the Airport.

§ 510.21 *Restricted areas.* No person shall enter any restricted areas posted as being closed to the public except upon written permission of the Manager.

§ 510.210 *Particular areas.* No person shall enter the control tower, mirror room, third floor offices of the Terminal Building, any hangar, or the apron of the Airport, except:

- (a) Persons assigned to duty therein;
- (b) Authorized representatives of the Administrator or the Board;
- (c) Persons authorized by the Manager;

(d) Passengers entering the apron for purposes of embarkation or debarkation.

§ 510.22 *Observation balcony.* No person shall throw paper, cigars, cigarettes, bottles, or other materials from the observation balcony or any other balcony in the Terminal Building.

§ 510.23 *Conduct of business.* No person shall engage in any commercial activity on the Airport except with the approval of the Administrator and under such terms and conditions as he may prescribe.

§ 510.230 *Soliciting.* No person shall solicit funds for any purpose on the Airport without the permission of the Manager.

§ 510.231 *Taxicabs.* No person shall operate any taxicab carrying passengers for hire from the Airport unless such operation is with the approval of the Administrator and under such terms and conditions as he may prescribe.

§ 510.232 *Advertisements.* No person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the Airport except with the approval of the Administrator and in such manner as he may prescribe.

§ 510.24 *Commercial photography.* No person shall take still, motion, or sound pictures for commercial purposes on the Airport without permission of the Administrator except that the following persons may take pictures for commercial purposes with permission of the Manager only:

(a) Professional photographers and motion picture cameramen taking scenes of events in the Airport as representatives of news concerns and bona fide news publications.

(b) Professional photographers and motion picture cameramen taking scenes of events in the Airport, for nonprofit exhibits, for the purpose of stimulating general interest in air commerce or travel.

(c) Professional photographers and motion picture cameramen taking scenes of events in the Airport for nonprofit educational purposes.

(d) Professional photographers taking scenes in the Airport for general artistic purposes.

§ 510.25 *Use of roads and walks.* (a) No person shall travel on the Airport other than on the roads, walks or places provided for the particular class of traffic.

(b) No person shall occupy the roads or walks in such manner as to hinder or obstruct their proper use.

(c) No person shall operate any type of vehicle for the disposal of garbage, ashes or other waste materials without the approval of the Manager.

§ 510.26 *Dogs.* No person shall enter the Terminal Building or landing area of the Airport with a dog or other animal. Dogs and other animals may be permitted in other areas of the Airport if restrained by leash or confined in such other manner as to be under control.

§ 510.27 *Lost articles.* Any person finding lost articles shall deposit them at the office of the Manager. Articles unclaimed within 60 days may be turned over to the finders thereof.*

§ 510.3 *Motor vehicle regulations.*

§ 510.30 *General.* No person shall operate any motor vehicle on the Airport otherwise than in accordance with the general rules prescribed by the Manager for the control of such vehicles, except when given special instructions by authorized employees of the Airport, or in cases of emergency involving danger to life or property.

§ 510.31 *Motorized equipment.* No person shall operate any motorized equipment on the inner-baggage tractor concourse or apron of the Terminal Building or the aircraft landing area, except:

(a) Persons assigned to duty therein.

(b) Persons authorized by the Manager.

§ 510.32 *Operator's certificate.* No person shall operate motorized equipment of the Civil Aeronautics Administration other than aircraft on the Airport unless possessed of a valid Civil Aeronautics Administration operator's certificate.

§ 510.33 *Speed.* (a) No person shall operate a motor vehicle of any kind on the Airport in excess of speed limits prescribed by the Manager and indicated by posted traffic signs.

(b) Motor vehicles shall be so operated as to be under the safe control of their drivers at all times.

§ 510.34 *Operation rules.* (a) Any person operating a vehicle travelling slowly on any road in the Airport, when overtaken by a faster moving vehicle, and upon suitable signal from such overtaking vehicle, shall move to the right to allow safe passage.

(b) Pedestrians within pedestrian lane markings shall have the right-of-way over vehicular traffic.

(c) No person shall operate a vehicle following another vehicle on the Airport closer than 15 feet to the preceding vehicle.

(d) No person shall sound a motor vehicle horn except as a warning signal.

(e) No person shall cause or permit a motor vehicle under his control to obstruct traffic by making right or left turns from the wrong traffic lane or by weaving in and out of traffic or in any other improper manner.

(f) No person operating a motor vehicle on the Airport shall fail to give proper hand signals. The following signals shall be given by extending the hand and arm from the left side in the following manner:

(1) *Left turn.* The hand and arm shall be extended horizontally.

(2) *Right turn.* The hand and arm shall be extended upward.

(3) *Stop or decrease speed.* The hand and arm shall be extended down-

ward: *Provided, however,* That in lieu of such hand signals, signals may be given by a signal lamp or a signal device which conveys an intelligible warning to another driver approaching from the front or rear.

(g) No person shall operate a motor vehicle on the Airport contrary to the directions of posted traffic signs.

§ 510.35 *Accident reports.* All persons involved in any accident on the Airport and all witnesses thereto, shall report promptly to the Manager's office or to the nearest guard.

§ 510.36 *Parking.* No person shall park a motor vehicle on the Airport other than in the manner prescribed by the Manager.

§ 510.37 *Motor vehicle lights.* All motor vehicles, except motorcycles, shall be equipped with two headlights and one or more red tail lights, the headlights to be of sufficient brilliance to assure safety in driving at night, and all lights shall be kept lighted after sunset when the vehicle is on any roadway of the Airport, and at all times when passing through unlighted tunnels. Headlights shall be dimmed when meeting other vehicles or pedestrians.

§ 510.38 *Intoxication.* No person under the influence of liquor or narcotic drugs shall operate a motor vehicle or aircraft of any kind on the Airport.

§ 510.39 *Busses.* No carrier by motor bus for hire shall load or unload passengers at the Airport at any place other than that designated by the Manager.*

§ 510.4 *General rules of conduct.*

§ 510.40 *Disorderly conduct.* No person shall commit any disorderly, obscene or indecent act or permit any nuisance on the Airport.

§ 510.41 *Gambling.* No person shall conduct gambling in any form or operate gambling devices anywhere on the Airport.

§ 510.42 *Sanitation.* (a) No person shall dispose of garbage, papers, or refuse or other material on the Airport except in the receptacles provided for that purpose.

(b) No person shall use a comfort station other than in a clean and sanitary manner.

§ 510.43 *Preservation of property.* No person shall:

(a) Destroy, injure, deface or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn or other public property on the Airport.

(b) Trespass on lawns and seeded areas on the Airport.

(c) Abandon any personal property on the Airport.

§ 510.44 *Airport and equipment.* No person shall interfere with, tamper or injure any part of the Airport or any of the equipment thereof.

§ 510.45 *Firearms, explosives and inflammable material.* (a) No persons except peace officers, duly authorized post office, airport, and air carrier employees

or members of the armed forces of the United States on official duty shall carry any firearms, explosives, or inflammable materials on the Airport without the written permission of the Manager.

(b) All persons other than the excepted classes shall surrender all such objects in their possession to the first officer or guard on the Airport.

(c) The Government and the Manager assumes no responsibility for the loss or damage to any such objects so surrendered to the Airport guard or officer.*

§ 510.5 *Fire hazards.*

§ 510.50 *Cleaning of aircraft.* No person shall use inflammable volatile liquids in the cleaning of aircraft, aircraft engines, propellers, and appliances unless such cleaning operations are conducted in open air, or in a room specifically set aside for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.

§ 510.51 *Open flame operations.* No person shall conduct any open flame operations in any hangar, or part thereof unless specifically authorized by the Manager.

§ 510.52 *Storage.* No person shall store or stock material or equipment in such manner as to constitute a fire hazard.

§ 510.520 *Storage of inflammable material.* No person shall keep or store any inflammable liquids, gases, signal flares or other similar material in the hangars or in any building on the Airport: *Provided,* That such materials may be kept in aircraft in the proper receptacles installed in the aircraft for such purpose, or in rooms or areas specifically approved for such storage by the Manager.

§ 510.521 *Lubricating oils.* No person shall keep or store lubricating oils in or about the hangars: *Provided,* That such material may be kept in aircraft in the proper receptacles installed in the aircraft for such purpose or in containers provided with suitable draw-off devices.

§ 510.522 *Waste.* Lessees of hangars shall provide suitable metal receptacles with self-closing covers for the storage of oily wastes, rags, and other rubbish. All such waste shall be removed by the lessees daily.

§ 510.53 *Smoking.* No person shall smoke in any hangar, building, room, or place on the Airport where it is specifically prohibited by the Manager.

§ 510.54 *Cleaning fluids.* No person shall use volatile inflammable substances for cleaning floors in the hangars or in other buildings of the Airport.

§ 510.55 *"Floor care."* All lessees on the Airport shall keep the floors of the hangars and hangar and terminal apron pits and areas adjacent thereto, leased by them respectively, free and clear of oil, grease and other inflammable material.

§ 510.56 *"Doping."* "Doping" processes shall be conducted only in properly

designed, fireproofed and ventilated rooms or buildings in which:

(a) All illumination, wiring, heating, ventilation equipment, switches, outlets, and fixtures shall be spark proof and vapor proof and;

(b) All windows and doors shall open easily.

(c) No person shall enter or work in a "dope" room while "doping" processes are being conducted unless such person wears spark proof shoes.

§ 510.57 *Fueling operations.* The following rules govern the draining and fueling of aircraft:

(a) No aircraft shall be fueled or drained while the engine is running, or being warmed by applications of exterior heat, or while such aircraft is in a hangar or enclosed space.

(b) No smoking shall be permitted within 100 feet of an aircraft being fueled or drained.

(c) No person shall operate any radio transmitter or receiver, or switch electrical appliances off or on in an aircraft during fueling or draining.

(d) During refueling the aircraft and the fuel dispensing apparatus shall both be grounded to a point or points of zero electrical potential.

(e) Persons engaged in the fueling and draining of aircraft shall exercise care to prevent overflow of fuel.

(f) No passenger shall be permitted in any aircraft during fueling unless a cabin attendant is present at or near the cabin door.

(g) Only personnel engaged in the fueling, maintenance, and operation of an aircraft shall be permitted within 100 feet of such aircraft during any such operation.

(h) No person shall use any material during fueling or draining of aircraft which is likely to cause a static spark.

(i) Adequate fire extinguishers shall be within ready reach of all fueling and draining operations.

(j) No person shall start the engine of any aircraft when there is any gasoline on the ground under such aircraft.

(k) Fueling hoses and draining equipment shall be maintained in a safe, sound, and non-leaking condition.

(l) All hoses, funnels, and appurtenances used in fueling and draining operations shall be equipped with a grounding device to prevent ignition of volatile liquids.

(m) The fueling and draining of aircraft shall be conducted at least 50 feet from any hangar or other building.

§ 510.58 *Fire apparatus instruction.* All employees of the Airport or tenants thereof shall master the operation of fire extinguishing apparatus and equipment in the immediate vicinity of their usual place of employment.

§ 510.59 *Radio operation.* No person shall operate any radio equipment in any

aircraft when such aircraft is in a hangar.*

§ 510.6 *Aircraft.*

§ 510.60 *Parking of aircraft.* No person shall park aircraft in any area on the Airport other than that prescribed by the Manager.

§ 510.61 *Interfering and tampering with aircraft.* No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft without the permission of the owner.

§ 510.62 *Running of engines.* No person shall start or run any engine in aircraft unless a competent person is in the aircraft attending the engine controls. Blocks equipped with ropes or other suitable means of pulling them, shall always be placed in front of the wheels before starting the engine or engines unless the aircraft is provided with adequate parking brakes.

§ 510.63 *Repair of aircraft.* No aircraft, aircraft engine, propellers, and appliances shall be repaired in any area of the Airport other than that specifically designated by the Manager.*

§ 510.7 *Tractor operation in hangar.* No person shall operate a tractor in any hangar unless the tractor exhaust is protected by screens or baffles to prevent the escape of sparks or the propagation of flame.*

§ 510.8 *Obligations of tenants.*

§ 510.80 *Signs and bulletin board.* The lessees of hangars shall maintain a bulletin board in a conspicuous place for the purpose of posting any and all notices issued by the Administrator and his representatives.

§ 510.81 *Workmen's compensation.* The lessees of hangars shall post on the bulletin board workmen's compensation notices, lists of competent physicians, and names of liability insurance carriers.

§ 510.82 *First aid equipment.* All tenants or lessees of hangars or shop facilities on the Airport shall provide in such hangars or shops conveniently accessible first aid kits approved by the Manager.

§ 510.83 *Storage of equipment.* No tenant or lessee of any hangar or shop facility on the Airport shall store or stack material or equipment in such a manner as to constitute a hazard to personnel or property.

§ 510.84 *Fire apparatus.* All tenants or lessees of hangars or shop facilities shall supply and maintain such adequate and readily accessible fire extinguishers and fire equipment and provide for such periodic fire drills as the Manager may prescribe.*

§ 510.9 *Penalties.* Any person who violates any rule or regulation prescribed herein, or any order or instruction issued by the Manager authorized herein, may be removed or ejected from the Airport by the Manager and his representatives and may be deprived of the further use of the Airport and its facilities for such time as may be necessary to insure the safety of the Airport and the public.*

The regulations in this part shall become effective at 12:01 a. m. on the 26th day of September, 1941.

DONALD H. CONNOLLY,
Administrator.

[F. R. Doc. 41-7514; Filed, October 8, 1941; 9:36 a. m.]

PART 511—GENERAL AERONAUTICAL RULES FOR THE WASHINGTON NATIONAL AIRPORT

Sec.	
511.1	General aeronautical rules.
511.10	Definitions.
511.2	Radio contact.
511.20	Report of arrival.
511.3	Areas of aircraft operations.
511.4	Aircraft equipment.
511.5	Landing area.
511.6	Taxying rules.
511.7	Landing and take-off rules.
511.8	Visual signal procedures.
511.9	Penalties.

SEPTEMBER 25, 1941.

Acting pursuant to the authority vested in me by the Act of June 29, 1940, Public No. 674, particularly sections 2 and 3 thereof and finding that my action is necessary to exercise my powers and duties under the said Act, I hereby prescribe the following regulations for the care, operation, maintenance and protection of the Washington National Airport:

§ 511.1 *General aeronautical rules.* All aeronautical activities at the Washington National Airport, and all flying of aircraft departing from or arriving at the Washington National Airport, in the airspace which constitutes the control zone of the Washington National Airport, shall be conducted in conformity with the current pertinent provisions of the Civil Air Regulations and orders issued by the Airport Manager or air-traffic control-tower operator, not in conflict with the said regulations.¹*

*§§ 511.1 to 511.9, inclusive, issued under the authority contained in sec. 2, 54 Stat. 686.

§ 511.10 *Definitions.* The term "person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.*

§ 511.2 *Radio contact.* (a) Radio contacts between pilots of aircraft and air-traffic control-tower operators shall be conducted in accordance with the procedures and by means of the phraseologies prescribed by the Administrator of Civil Aeronautics whenever practicable.

(b) Pilots of outbound aircraft equipped with functioning two-way radio shall not taxi or take off without a control tower clearance.

¹The attention of all pilots is invited to the provision of § 60.900 of the Civil Air Regulations, which explains under what circumstances nonobservance of air traffic rules is not considered an infraction.

(c) Pilots of aircraft not equipped with functioning two-way radio shall not land, taxi, or take off without a clearance by radio or light signal: *Provided, however,* That this shall not prohibit sufficient movement of an outbound aircraft not equipped with a functioning transmitter to attract the attention of the control-tower operator.

§ 511.20 *Report of arrival.* Unless impracticable because of weather conditions or unless Airway Traffic Control instructions preclude such action, pilots of inbound aircraft equipped with functioning two-way radio shall report at or near a contact reporting point and as they enter the airport zone.*

§ 511.3 *Areas of aircraft operations.* Aircraft operations shall be confined to hard surfaced areas. Taxi strips shall not be used for take-offs or landings.*

§ 511.4 *Aircraft equipment.* No aircraft shall be operated on the Washington National Airport unless it is equipped with radio receiver, tail or nose wheel, and wheel brakes.*

§ 511.5 *Landing area.* The Anacostia Naval Air Station, Bolling Field, and the Washington National Airport shall be regarded as one landing area in observing the circling requirement of the Civil Air Regulations.*

§ 511.6 *Taxying rules.* (a) No person shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object in the immediate area by visual inspection of the area and, when available, through information furnished by airport attendants.

(b) No aircraft shall be taxied except at a safe and reasonable speed.

(c) Pilots shall not taxi onto or across runway in use until specifically cleared to do so by radio or visual signal.

(d) No aircraft not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist the pilot.

(e) Aircraft shall be taxied in accordance with the taxying pattern prescribed when any particular runway is in use. See attached charts.*

§ 511.7 *Landing and take-off rules.* (a) Landings and take-offs shall be made on the runway and in the direction indicated by a traffic indicator.

(b) No landing or take-off shall be made except at a safe distance from buildings and aircraft.

(c) Aircraft landing or taking off shall conform to the air traffic pattern published jointly by the Anacostia Naval Air Station, Bolling Field and the Washington National Airport.*

§ 511.8 *Visual signal procedures.* (a) Visual signal procedures prescribed by the Administrator of Civil Aeronautics shall be observed.

(b) To an aircraft approaching for a landing:

(1) An illuminated red cross at the end of a runway shall mean: "Runway Not Clear for Landing."

(2) An illuminated green arrow shall mean: "Runway To Be Used in Direction of Arrow."

(c) To an aircraft on the ground:

(1) A red light at the take-off end of the runway in use shall mean: "Do Not Taxi Onto Runway."

(2) A red light at far end of runway in use shall mean: "Hold, Do Not Take Off."

(3) A green light at take-off end of a runway in use shall mean: "Cleared To Take Off."

(4) A green flush light at junction of taxi lane and runway shall mean: "Cleared To Taxi."

(5) A red flush light at any junction shall mean "Do Not Taxi Beyond This Point."*

§ 511.9 *Penalties.* In addition to penalties otherwise provided, any person operating or handling any aircraft in violation of the rules in this part, or refusing to comply therewith, may promptly be removed or ejected from the airport by or under the authority of the Airport Manager and upon the order of the Airport Manager, may be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein.*

The regulations in this part shall become effective at 12:02 a. m. on the 26th day of September, 1941.

[SEAL] DONALD H. CONNOLLY,
Administrator.

[F. R. Doc. 41-7513; Filed, October 8, 1941;
9:36 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50489]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

DESIGNATION OF MUNICIPAL AIRPORT, AJO, ARIZONA, AS AN AIRPORT OF ENTRY REVOKED¹

OCTOBER 3, 1941.

The designation of the Municipal Airport, Ajo, Arizona, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States is hereby revoked, effective this date. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7512; Filed, October 7, 1941;
3:15 p. m.]

¹ This document affects the tabulation in 19 CFR 4.12.

TITLE 24—HOUSING CREDIT

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[Res. 10-6-41]

PART 301—INSURANCE OF ACCOUNTS

ADDITIONAL PREMIUM IN MERGERS, CONSOLIDATIONS, OR PURCHASES OF BULK ASSETS

Be it resolved, That, no hearing having been requested in accordance with the provisions of paragraph (d) of § 301.22 of the Rules and Regulations for Insurance of Accounts after opportunity therefor was allowed in accordance with paragraph (b) thereof, the proviso appearing in the last sentence of paragraph (c) of § 301.13 of the Rules and Regulations for Insurance of Accounts is hereby amended, effective October 8, 1941, to read as follows:

§ 301.13 *Premiums and their uses.*

(c) *Additional premium in mergers, consolidations, or purchases of bulk assets.* * * * *Provided, however,* That if the institution which is absorbed by applicant by such merger, consolidation or purchase of bulk assets is an insured institution, the applicant shall receive a credit upon its future premiums of the unearned portion of any premium theretofore paid to the Corporation by such absorbed institution. (Sec. 404, 48 Stat. 1258, sec. 25a, 49 Stat. 298; 12 U.S.C. and Sup., 1727)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-7516; Filed, October 8, 1941;
10:32 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-688]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER AMENDING, IN PART, ORDER OF THE DIRECTOR DENYING PERMANENT RELIEF AND DENYING REQUEST FOR ORAL ARGUMENT ON PETITION FOR RECONSIDERATION IN THE MATTER OF THE PETITION OF KOPPERS COAL COMPANY, A CODE MEMBER IN DISTRICT 7, FOR A CHANGE IN THE EFFECTIVE CLASSIFICATIONS AND MINIMUM PRICES OF COAL IN SIZE GROUPS 18-21 AND FOR THE ESTABLISHMENT OF THE EFFECTIVE CLASSIFICATIONS AND MINIMUM PRICES FOR ITS COAL IN SIZE GROUP 22 FOR SHIPMENT INTO ALL MARKET AREAS

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by Koppers Coal Company, a code member producer in District 7, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the price classifications established for the coals produced at its

* Not filed as part of the original document.

Long Branch Mine (Mine Index No. 106) be reduced from "A" to "D" in Size Groups 18-21 and that the classification of "E" be established for the coals of said mine in Size Group 22.

On August 6, 1941, the Director issued his Findings of Fact in this matter and on the basis of the conclusions drawn therefrom, denied the requested relief.

In a petition filed on September 11, 1941, the petitioner requested that the Order of the Director entered in this proceeding on August 6, 1941, 6 F. R. 3993, denying relief be reconsidered; that the petitioner be granted an opportunity orally to argue the grounds of the petition for reconsideration; and that upon reconsideration the Director enter an order granting the relief prayed for in the original petition. The principal reasons assigned by the petitioner in support of its petition for reconsideration are that certain specified Findings of Fact and Conclusions of Law made by the Director are not supported by sufficient evidence, and that in making said findings and conclusion, the Director failed to give due consideration to certain evidence of record.

After a reconsideration of this matter, the Director is of the opinion that the Findings of Fact and Conclusions of Law and the Order heretofore entered with respect to petitioner's request for a reclassification of its coals in Size Groups 18-21 are proper; and said findings and conclusions are adequately supported by the evidence, and that all evidence of material value was given proper consideration.

The petitioner contends that the Director erred in denying its request for the establishment of an "E" classification for the Long Branch Mine coals in Size Group 22. Attention is called to the fact that the Director has established a classification of "E" for the coal in this Size Group produced at a competing mine which has the same classifications in all other Size Groups as petitioner's mine. The petitioner also refers to the testimony of its witness that an "E" classification for the coals in Size Group 22 is the highest classification for any coal in that Size Group with which petitioner's coal is in competition.

After reconsidering the record in this matter, the Director is of the opinion that petitioner's request with respect to the Long Branch Mine coals in Size Group 22 should be granted.¹ While the evidence of record does not establish that petitioner has sustained injury because of the classification presently established, it does show that that classification is not in proper relation to the classifications established for the coals

of other producers in the district, and that other producers cannot be prejudiced by the establishment of an "E" classification for the Long Branch Mine coals in Size Group 22.

I, therefore, conclude that the Order Denying Relief, entered herein on August 6, 1941, should be amended by the establishment of an "E" classification for the coals of the Long Branch Mine in Size Group 22; that in all other respects petitioner's request for relief should be denied. The request of petitioner for permission to present oral argument in support of its petition for reconsideration, will be denied.

Now, therefore, it is ordered, That the Order of the Director dated August 6, 1941, denying relief herein, be and it hereby is amended to provide an "E" classification for the coals of the Long Branch Mine (Mine Index No. 106) in Size Group 22, and § 327.21 (*High volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck be amended accordingly; and

It is further ordered, That in all other respects the Order herein dated August 6, 1941, remain unchanged; and

It is further ordered, That the request of petitioner for permission to present oral argument on its petition for reconsideration is hereby denied.

Dated: October 6, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7529; Filed, October 8, 1941;
10:44 a. m.]

[Docket No. A-70]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER APPROVING AND ADOPTING, WITH MODIFICATION, PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; OVERRULING IN PART, PETITIONER'S EXCEPTIONS THERETO; AND GRANTING CERTAIN RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 15 REQUESTING CHANGES IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15 FOR ALL SHIPMENTS EXCEPT TRUCK INTO ALL IOWA MARKET AREAS (EXCEPT COUNCIL BLUFFS AND SIOUX CITY)

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 15, requesting changes in the Schedule of Effective Minimum Prices for District 15 for All Shipments Except Truck for shipment into all Iowa market areas except Council Bluffs and Sioux City—Market Areas 77 and 56, respectively;

A hearing having been held in this matter, pursuant to Order of the Director, before a duly designated Examiner of the Division at Washington, D. C.; at the hearing all interested parties having been afforded an opportunity to be present,

adduce evidence, cross-examine witnesses and otherwise be heard;

Temporary relief in this matter having been denied by an Order of the Director dated October 17, 1940, 5 F. R. 4177;

The Examiner having made and entered his Report, Proposed Findings of Fact, conclusions of Law and Recommendations, dated March 3, 1941;

District Board 15 having in due time filed exceptions to the Report of the Examiner, and requested an oral argument before the Director; thereafter pursuant to Order by the Director, an oral argument having been held in this matter before the Director on August 4, 1941, at Washington, D. C., in which all interested persons were afforded an opportunity to participate;

The Director having considered this matter and made Findings of Fact, Conclusions of Law and having rendered an Opinion herein, which are filed herewith;¹

Now, therefore, it is ordered, That the Proposed Findings of Fact of the Examiner be and are hereby adopted, except as to finding that the petitioner's protest in General Docket No. 15 of the 20-cent reduction in the proposed coordinated minimum prices for District 10 base coals for shipment into Iowa was, in effect, satisfied;

And it is further ordered, That the requests for relief of the original petition be and are hereby denied, except in the following two particulars:

(1) The following note is hereby ordered to be inserted in § 335.7. (*General prices; domestic, commercial and industrial coal schedule*) in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck:

Prices for coals of Production Group No. 1, in Size Groups 1-10, inclusive, must be increased 15 cents per ton when coals are washed.

(2) Effective minimum prices on Size Groups 1-6, inclusive, to those specific destinations into Iowa Market Areas 47-50 and 52-54 listed in § 335.7 (*General prices; domestic, commercial and industrial coal schedule*) in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck are hereby reduced 10 cents per net ton.

Dated October 6, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7530; Filed, October 8, 1941;
10:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS²

Pursuant to the provisions of section 7 of the River and Harbor Act of August

¹ Not filed as part of the original document.
² § 204.83 is added.

¹ On August 21, 1941, 6 F. R. 4343, the Director entered an Order in Docket No. A-416, establishing an "E" classification for the coals in Size Group 22 produced at the Willis Branch Mine (Mine Index No. 204) of Hill-Anderson Coal Company and the Ingram Branch Mine (Mine Index No. 87) of Mary Francis Coal Company. The coals of these mines also have classifications in other size groups similar to those established for petitioner's coals.

8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Atlantic Ocean in an area extending between Jupiter Inlet and Fort Pierce, Florida, comprising an aerial gunnery target range for Army aircraft.

§ 204.83 *Waters of the Atlantic Ocean; U. S. Army Air Corps, Aerial Gunnery Target Range between Jupiter Inlet and Fort Pierce, Fla.*

THE DANGER ZONE

(a) The target range forms roughly a rectangle about 10 miles wide extending 40 miles along the east coast of Florida between Jupiter Inlet and Fort Pierce, Florida, the western boundary of which is approximately 8 miles offshore. The geographic positions locating the corners of the range are as follows:

	Latitude N.	Longitude W.
N. E. corner.....	27°35'	80°02'
N. W. corner.....	27°32'	80°11'
S. E. corner.....	27°04'	79°46'
S. W. corner.....	27°00'	79°55'

THE REGULATIONS

(b) (1) The fact that aerial target practice is to take place over the designated area shall be advertised to the public through the usual media for the dissemination of information. Inasmuch as such practice is likely to be engaged in throughout the year without regard to season, such advertising of firing shall be repeated at frequent intervals which shall not exceed three months and which shall be more frequent when, in the opinion of the Commanding Officer, responsible for the use of the range, such frequent repetition is necessary in the interests of public safety.

(2) Prior to the conducting of each target practice the area shall be patrolled by Army aircraft to insure that no watercraft are within the dangerous area and any such watercraft seen in the vicinity shall be warned by means of signals that target practice is about to take place. The patrol aircraft shall employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(3) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall, until the conclusion of the practice, remain at such a distance that it will be safe from falling projectiles.

(4) The foregoing regulations shall not deny access to or egress from harbors contiguous to the danger area in the case of regular cargo-carrying vessels proceeding to and from such harbors, nor shall it deny traverse of portions of the danger area in the case of such regular cargo-carrying vessels proceeding on established steamer lines. In case of the presence of any such vessel in the danger area the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel shall have cleared the part of

the area in which it might be endangered by falling projectiles. The vessel shall proceed on its normal course and shall not delay its progress.

(5) No marking of the area is proposed, and all aircraft and watercraft shall be presumed to know their whereabouts by distances and directions from landmarks or other topographical features along the shore.

(6) These regulations shall be enforced by the U. S. Coast Guard and the Commanding Officer, West Palm Beach Air Base, West Palm Beach, Florida. (Sec. 7, River and Harbor Act. Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Sept. 29, 1941 (E.D. 7195 (Atlantic Ocean—Florida)—1/6)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7515; Filed, October 8, 1941; 9:37 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1541-FD]

IN THE MATTER OF THE WYATT COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION No. 9906, DEFENDANT

CORRECTION OF TYPOGRAPHICAL ERRORS IN ORDER CANCELLING HEARING AND ORDER FOR REINSTATEMENT OF REGISTRATION

A typographical error occurred in the Order Cancelling Hearing dated August 14, 1941, and in the Order for Reinstatement of Registration, dated August 14, 1941, in the above-entitled matter.

In the fourth line of the title "In the Matter of the Wyatt Coal Sales Company, Registered Distributor" in said orders and again in the fourth line of the first paragraph of the Order for Reinstatement of Registration, the registration number is incorrectly given as "Registration No. 9960" whereas the correct registration number is "9906."

Now, therefore, it is ordered, That in the fourth line of the title "In the Matter of the Wyatt Coal Sales Company, Registered Distributor" in said orders and again in the fourth line of the first paragraph of the Order for Reinstatement of Registration, the registration number should be and the same hereby is corrected to read "Registration No. 9906."

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7517; Filed, October 8, 1941; 10:44 a. m.]

[Docket No. A-685]

PETITION OF TRUAX-TRAER COAL COMPANY, A CODE MEMBER PRODUCER IN DISTRICT No. 8, FOR A REDUCTION IN THE PRICE OF ITS DOROTHY COAL IN SIZE

GROUP 24 (WATER-GAS) FOR SHIPMENT TO MARKET AREA 99, OR FOR CONSUMPTION BY MINNEAPOLIS GAS LIGHT COMPANY

ORDER DENYING FINAL RELIEF

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division, by Truax-Traer Coal Company, a code member in District 8, seeking a reduction in the price classification for Size Group 24 (water-gas) produced at its Acme, Raccoon, Rose, United, and Marsh Fork Mines (Mine Index Nos. 1, 386, 416, 468, and 318, respectively) situated in District 8, from "A" to "C," with a corresponding reduction in minimum price of \$2.35 to \$2.25 for shipment to Market Area 99, or, in the alternative, for consumption by Minneapolis Gas Light Company, Minneapolis, Minnesota, via Lake shipments;

A hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room of the Division, in Washington, D. C.;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

It is ordered, That the relief prayed for by the petitioner, herein, Truax-Traer Coal Company, be and the same hereby is denied.

Dated: October 6, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7518; Filed, October 8, 1941; 10:44 a. m.]

[Docket No. A-283-a]

PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

MEMORANDUM OPINION AND ORDER OF DISMISSAL

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Bituminous Coal Division by District Board 8, proposing price classifications and minimum prices for the coals of certain mines in District 8 not theretofore classified and priced, including the coals of the Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company, a code member in District 8. By Order dated November 6, 1940, temporary price classifications and minimum prices were established for the coals of said mine. Thereafter, the Meadow Creek Coal Company intervened, protesting the price classifications and minimum prices temporarily established for the coals of

¹ Not filed as part of the original document.

the Solon Mine, and requesting additional temporary and permanent relief.

After appropriate public notice, a hearing was held in this matter on December 2, 9, and 10, 1940, before a duly designated Examiner of the Division, and all persons were given an opportunity to participate fully in the hearing. At the hearing witnesses testified on behalf of District Board No. 8 and the Meadow Creek Coal Company.

District Board No. 8 recommended the granting of certain additional relief to Meadow Creek Coal Company by establishing lower classifications and minimum prices for coals of the Solon Mine for shipment into Market Area No. 114 only. The intervenor renewed its request for temporary relief on the basis of its intervening petition. On January 31, 1941, an Order was issued by the Director granting additional and further temporary relief in connection with the coals of the Solon Mine, subject to conditions therein set forth.

On February 10, 1941, District Board No. 9 moved to stay or modify the temporary relief granted by the Order of January 31, 1941, and requested the reopening of the hearing with reference to the price classifications and minimum prices established for the coals of the Solon Mine.

Thereupon, pursuant to an Order of the Director of March 10, 1941, the proceedings with respect to the Solon Mine of the Meadow Creek Coal Company were severed from the remainder of the proceedings in Docket No. A-283, and designated as Docket No. A-283-a. By the same Order, after due notice, a hearing was scheduled for March 24, 1941, before a duly designated Examiner of the Division at a hearing room in Washington, D. C., for the limited purpose of considering the evidence of District Boards Nos. 9 and 13, and any other interested parties, with respect to the establishment of price classifications and minimum prices for the coals of the Solon Mine.

At the hearing, through agreement of District Boards Nos. 8 and 9, the Examiner continued the matter until April 24, 1941. On that date, by the Director's Order, the hearing was postponed to May 15, 1941. However, on May 15, 1941, due to the unavoidable absence of a principal witness for District Board No. 8, the Examiner sustained a motion to continue the hearing until June 26, 1941. By a later motion of continuance and consequent Order of the Director, the hearing was moved up to July 15, 1941.

Finally, after another motion for continuance and Order of the Director, a hearing was held in this matter on September 16, 1941, before a duly designated Examiner of the Division, Charles O. Fowler, at a hearing room of the Division, in Washington, D. C. District Board No. 9 and the petitioner, District Board No. 8, appeared. Counsel for Dis-

trict Board No. 9 stated that he had no witnesses to present and offered no evidence in support of its requested relief. Under the circumstances, it is appropriate to dismiss its motion to modify the temporary relief heretofore granted to the Meadow Creek Coal Company, and further it seems appropriate that the prices heretofore temporarily established should be made permanent.

Now, therefore, it is ordered, That the intervening petition of District Board No. 9 herein seeking relief in the form of a modification of the price classifications and minimum prices temporarily established for the coals of the Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company, set by Order of the Director on January 31, 1941, be and hereby is dismissed.

And it is further ordered, That the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended by establishing the following classifications (and corresponding minimum prices) for the coals of the Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company:

FOR DESTINATION OTHER THAN GREAT LAKES

Size group	1	2	3	4	5	6	7	8	9	10	11, 12, 13, 14	15, 16, 17, 18, 19, 20, 21
Classification.....	P	P	M	L	M	L	J	M	H	G	O	

FOR GREAT LAKES CARGO ONLY

Size group	1	2	3	4	5	6	7	8	9	10	11, 12, 13, 14	15, 16, 17, 18, 19, 20, 21
Classification.....	P	O	M	H	F	F	M	Q	O			

Dated: October 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7519; Filed, October 8, 1941;
10:45 a. m.]

[Docket Nos. 1863-FD, 1866-FD]

IN THE MATTER OF THE APPLICATIONS OF
R. C. TWAY COAL SALES COMPANY FOR
PERMISSION TO RECEIVE SALES AGENT'S
COMMISSIONS ON COAL SOLD TO THE
JAMES COAL COMPANY AND TO THE B. &
S. COAL & STOKER CO.

NOTICE AND ORDER OF POSTPONEMENT OF
HEARING

Applicant having moved that the hearings in the above-entitled matters be postponed, and having shown good cause why its motion should be granted,

It is ordered, That the hearings in the above-entitled matters be postponed from 10 o'clock in the forenoon of October 16, 1941 to 10 o'clock in the forenoon of November 17, 1941, at the place heretofore designated and before

the officer previously designated to preside at said hearing.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7520; Filed, October 8, 1941;
10:45 a. m.]

[Docket No. A-941]

PETITION OF DISTRICT BOARD NO. 11 FOR THE
ESTABLISHMENT OF MINIMUM PRICES FOR
RAW OR WASHED COALS WHICH ARE
CRUSHED, PULVERIZED OR REDUCED BY
ANY METHOD DOWN TO THE SIZE DIMEN-
SIONS PRESCRIBED FOR SIZE GROUPS 13
AND 16, INCLUSIVE, PURSUANT TO SECTION
4 II (d) OF THE BITUMINOUS COAL ACT
OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT
OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for October 9, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from 10 o'clock in the forenoon of October 9, 1941, until 10 o'clock in the forenoon of November 17, 1941, at the place and before the officers heretofore designated.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7521; Filed, October 8, 1941;
10:45 a. m.]

[Docket No. B-8]

IN THE MATTER OF TONY CAPUTO, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 4, 1941, by Bituminous Coal Producers Board for District No. 3, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths

and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is Nutter Fork, West Virginia, during the period from October 3, 1940, to November 9, 1940, both dates inclusive, sold an undetermined quantity of coal produced at his Davisson's Run Mine, Mine Index No. 538, located in Harrison County, West Virginia, District No. 3, to various persons at prices which do not reflect the addition of the actual cost of transportation to the minimum f. o. b. mine price when delivery is made in transportation facilities owned or controlled

by the defendant, as set forth in Price Instruction No. 6 of supplement No. 1 to the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7522; Filed, October 8, 1941;
10:46 a. m.]

[Docket No. B-9]

IN THE MATTER OF CLAUDE GALBRAITH &
SON COAL COMPANY, A PARTNERSHIP,
CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 28, 1941 by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 216, Post Office Building, Terre Haute, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days be-

fore the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (1) That the defendant, whose address is R. F. D. No. 2, Brazil, Indiana, during the period from October 1, 1940 to August 4, 1941, both dates inclusive, sold and delivered to the American Zinc Products Company, Greencastle, Indiana, a round-trip haul of approximately 52 miles from and to defendant's mine, a substantial number of tons of 2" lump coal and 2" screenings, produced at its mine, Mine Index No. 217, located in Clay County, Indiana, District No. 11, at a delivered price of \$2.50 per ton for lump coal and \$1.90 per ton for screenings, whereas the effective minimum prices established for 2" lump and 2" screenings for said mine are \$2.20 per ton and \$1.35 per ton, respectively; that the sale and delivery of such coals by the defendant to the said American Zinc Products Company at delivered prices of \$2.50 per ton for lump coal and \$1.90 per ton for screenings does not reflect the addition to the f. o. b. mine price of not less than the actual cost of transportation and, therefore, such coals were sold in violation of the effective minimum price; and

(2) That the defendant on September 14, 1940, entered into an agreement with the said American Zinc Products Company for the sale of coal providing for delivery for a period in excess of that authorized for a spot order in violation of Rule 1 of Section IV of the Marketing Rules and Regulations, effective October 1, 1940.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7523; Filed, October 8, 1941;
10:48 a. m.]

[Docket No. B-10]

IN THE MATTER OF J. B. WILLIAMSON, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 14, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Old Federal Building, Rm. 539, Cleveland, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of

an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose post office address is 219 Greensburg Avenue, Turtle Creek, Pennsylvania, during the period January 1 to June 1, 1941, inclusive, sold through his sales agent, Coal Sales, Inc., Cleveland, Ohio, and delivered via truck to Ohio Boxboard Company, at its plant located in Rittman, Ohio, approximately 4938.243 tons of nut and slack coal, and approximately 997.175 tons of slack coal, produced at his Kohr Coal Co. Mine (Mine Index No. 1759), at \$2.30 per net ton f. o. b. destination, whereas these coals are classified as Size Groups 7 and 8, respectively, and priced at \$1.90 and \$1.80, respectively, f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments.

That said coal was hauled a distance of approximately 40 miles from said mine to the purchaser at Rittman, Ohio. That said delivery price constituted an absorption of a part of the trucking charge made by an independent contractor, or the defendant's own cost, for hauling the aforementioned coal from the mine of the defendant to the Rittman plant of the Ohio Boxboard Company, all in violation of section 4 II (g) of the Bituminous Coal Act of 1937 and Price Instruction No. 6 as set forth in supplement No. 1 to Appendix A-4-T, being the effective minimum prices for truck shipments for District No. 4.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,
Director.[F. R. Doc 41-7524; Filed, October 8, 1941;
10:47 a. m.]

[Docket No. B-12]

IN THE MATTER OF E. H. FANNIN, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 3, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bitu-

minous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 14, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That during the period March 27 to April 7, 1941, inclusive, the said defendant, whose post office address is R. F. D. No. 1, Rush, Kentucky, sold, offered for sale, and delivered to Ray Rife, approximately 10.225 net tons of high volatile run of mine coal, and approximately 10.75 net tons of high volatile 2" lump coal, produced at defendant's Fannin Mine, Mine Index No. 1041, at \$1.70 per net ton, and \$2.10 per net ton, respectively, f. o. b. said mine, whereas this coal is classified as Size Groups 6 and 2, respectively, priced at \$2.00 per net ton and \$2.45 per net ton, respectively, f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7525; Filed, October 8, 1941;
10:46 a. m.]

[Docket No. B-13]

IN THE MATTER OF A. B. EWEN, CODE
MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 3, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 12, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recom-

mendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, A. B. Ewen, West Liberty, Kentucky, sold and offered to sell, at \$2.25 per net ton f. o. b. the mine, during the period from October 2, 1940 to April 12, 1941, both dates inclusive, to Francis M. A. Leach, approximately 1452.85 tons of 2" and over Cannel lump coal produced by the defendant at his Lick Branch Cannel Mine, Mine Index No. 2863, located in Morgan County, Kentucky, District No. 8, whereas said coal was classified as Size Group No. 1 and priced at \$2.65 per net ton f. o. b. the mine as shown in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, which transactions constituted sales and offers for sale of bituminous coal at prices below the minimum established therefor by the Division and a violation of the Act and the Code.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7526; Filed, October 8, 1941;
10:47 a. m.]

[Docket No. B-19]

IN THE MATTER OF ISAAC COLLINS (MAMMOTH BLOCK COAL COMPANY, A PARTNERSHIP), CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 5, 1941, by Bituminous Coal Producers Board for District No. 8 a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 14, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appro-

prate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is Rush, Kentucky, from the period March 8, 1941, to April 14, 1941, both dates inclusive, sold, delivered and offered to sell approximately 87.02 tons of $\frac{3}{4}$ " nut and slack coal, High Volatile Size Group 8, produced at defendant's mine, Mine Index No. 3167, located in Boyd County, Kentucky, to Ray Rife, Rush, Kentucky, at the price of 40 cents per ton f. o. b. the mine, whereas the effective minimum price established for such coal was \$1.45 per net ton f. o. b. the mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7527; Filed, October 8, 1941;
10:46 a. m.]

[Docket No. 1811-FD]

IN THE MATTER OF MILLER BROS. (CARL MILLER) A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 21, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 23, 1941, by the Bituminous Coal Producers Board for District No. 22, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel

their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling during October, November and December 1940 approximately 214 tons of 2" lump sized coal, Size Group 2, produced at Miller Mine, Mine Index No. 201, District No. 22, to various purchasers, at sales prices ranging from \$4.00 to \$4.25 per net ton f. o. b. said mine, whereas the effective minimum price established therefor by the Division, as shown in the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments, was \$4.50 per net ton f. o. b. said mine, which sale prices were from 50 to 25 cents below the effective

minimum price established therefor by the Division.

Dated: October 7, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-7528; Filed, October 8, 1941;
10:47 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 9, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Nathan and David Shapiro, Homer-ville, Georgia; Fur Mats; 5 learners; 4 weeks for any one learner; 25 cents per hour; Fur Machine Operator; November 20, 1941.

Signed at Washington, D. C., this 8th day of October 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-7537; Filed, October 8, 1941;
11:38 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940,

5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 9, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY,
PRODUCT, NUMBER OF LEARNERS AND EX-
PIRATION DATE

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage.

B & B Manufacturing Company, 26 Canfield Street, Orange, New Jersey; Wash Frocks; 3 learners; October 9, 1942. (This certificate replaces one issued bearing the expiration date of September 29, 1942.)

Bareville Garment Company, Bareville, Pennsylvania; Ladies' Undergarments and Nightwear; 5 learners; October 9, 1942.

Cal-Made Manufacturing Company, 308 East Ninth Street, Los Angeles, California; Shirts; 5 learners; October 9, 1942.

Carolina Underwear Company, Thomasville, North Carolina; Woven Underwear; 3 learners; October 9, 1942.

Cavalier Garment Corporation, 113 Main Street, Evansville, Indiana; Trousers, Shirts; 10 percent; October 9, 1942.

Cavalier Garment Corporation, 113 Main Street, Evansville, Indiana; Trousers, Shirts; 10 learners; March 19, 1942.

Even-Pul Foundations, Inc., 321 Main Street, East Rutherford, New Jersey;

Foundation Garments; 10 percent; October 9, 1942. (This certificate replaces one issued bearing expiration date of December 15, 1941.)

Robert Fox Company, Inc., 72 Germanville Avenue, Mystic, Connecticut; Chenille Robes; 5 learners; February 5, 1942.

Friedman-Marks Clothing Company, 1400 West Marshall Street, Richmond, Virginia; Men's & Young Men's Clothing; 5 percent; October 9, 1942.

Isaac Ginsberg and Brothers, Inc., 433-35 South West Street, Syracuse, New York; Dresses; 10 learners; October 9, 1942.

Greensboro Manufacturing Company, 308 Walker Avenue, Greensboro, North Carolina; Flannelette Wear and Cotton Underwear; 10 percent; October 9, 1942.

LaFollette Shirt Company, LaFollette, Tennessee; Dress Shirts; 10 percent; October 9, 1942.

LaFollette Shirt Company, LaFollette, Tennessee; Dress Shirts; 15 learners; March 19, 1942.

Lewell Manufacturing Company, 46 Nesbitt Street, Newark, New Jersey; Corsets and Brassieres; 10 percent; October 9, 1942.

Majestic Pants Company, 69 Chestnut Street, Norwich, Connecticut; Pants; 8 learners; October 9, 1942. (This certificate replaces one issued bearing expiration date of December 5, 1941.)

Ottenheimer Brothers, Inc., 115 Woodland Street, Little Rock, Arkansas; Dresses; 10 percent; October 9, 1942.

Par Ex Shirt Company, 20 Wooster Street, New Haven, Connecticut; Shirts; 10 percent; October 9, 1942. (This certificate replaces one issued bearing expiration date of November 17, 1941.)

Phillips Jones Corporation, Barnesboro, Pennsylvania; Army Shirts; 10 percent; April 2, 1942.

Phillips Jones Corporation, Sixth and Ruddle Streets, Coaldale, Pennsylvania; Army Shirts; 10 percent; April 2, 1942.

Phillips Jones Corporation, Sunbury Street, Minersville, Pennsylvania; Army Shirts; 10 percent; April 2, 1942.

M. H. Raab-Meyerhoff Company, 8th and Dauphin Streets, Philadelphia, Pennsylvania; Men's Shirts; 10 percent; October 9, 1942.

Reliance Manufacturing Company, Anamosa, Iowa; Men's Cotton Work Shirts; 10 percent; October 9, 1942.

Renee of Hollywood, 743 Santee Street, Los Angeles, California; Brassieres, Garter Belts, Girdles; 5 learners; October 9, 1942.

Rice Stix Factory No. 9, 417 North 10th Street, St. Louis, Missouri; Dresses; 10 percent; October 9, 1942.

Savage Manufacturing Company, 1701 North Damen Avenue, Chicago, Illinois; House Dresses, Blouses, Slack Suits; 10 learners; October 9, 1942.

Seibel and Stern, Walnut and Orchard Streets, Bridgeton, New Jersey; Dresses; 10 percent; October 9, 1942.

Stadium Manufacturing Company, Inc., 1501 Guilford Avenue, Baltimore,

Maryland; Pajamas; 10 percent; October 9, 1942.

A. Stein and Company, Broadway and Vermillion, Streator, Illinois; Brassieres and Sanitary Goods; 10 learners; October 9, 1942.

Wales Shirt Company, 76 Franklin Street, New Haven, Connecticut; Men's Dress Shirts; 10 percent; October 9, 1942.

Gloves

Gloversville Knitting Company, Congress Street, Schenectady, New York; Knit Wool Gloves; 10 percent; April 9, 1942.

Hosiery

Barnett Hosiery Mills, Taylorsville, North Carolina; Seamless Hosiery; 5 learners; October 9, 1942.

Black Mountain Hosiery Mills, Inc., Black Mountain, North Carolina; Seamless Hosiery; 5 learners; October 9, 1942.

Clayton Hosiery Mills, 95 Bridge Street, Lowell, Massachusetts; Seamless Hosiery; 5 learners; October 9, 1942.

Danville Knitting Mills, Lynn and Newton Streets, Danville, Virginia; Seamless Hosiery; 5 percent; October 9, 1942.

W. B. Davis and Son, Incorporated, Eighth Street, Fort Payne, Alabama; Seamless Hosiery; 5 percent; October 9, 1942.

C. D. Jessup and Company, Claremont, North Carolina; Seamless Hosiery; 5 learners; October 9, 1942.

Montgomery Knitting Mill, Commerce Street, Summerville, Georgia; Seamless Hosiery; 5 percent; October 9, 1942.

Moreland Knitting Mills, Moreland, Georgia; Seamless Hosiery; 15 learners; June 9, 1942.

Murray Hosiery Mills, Incorporated, South Fourth Street, Murray, Kentucky; Seamless Hosiery; 5 percent; October 9, 1942.

Rambo and Regar, Incorporated, Main below Ford Street, Norristown, Pennsylvania; Seamless Hosiery; 5 percent; October 9, 1942.

Sweetwater Hosiery Mills, 818 N. Main Street, Sweetwater, Tennessee; Seamless Hosiery; 5 percent; October 9, 1942.

Union Manufacturing Company, Union Point, Georgia; Seamless Hosiery; 5 percent; October 9, 1942.

Knitted Wear

Carolina Underwear Company, Thomasville, North Carolina; Rayon Knit Underwear; 2 learners; October 9, 1942.

Textile

Ossipee Weaving Company, R. F. D. No. 1, Elon College, North Carolina; Rayon Thread; 3 percent; October 9, 1942.

Signed at Washington, D. C., this 8th day of October 1941.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-7538; Filed, October 8, 1941;
11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-31]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF NEW JERSEY

ORDER CORRECTING FINDINGS AND DENYING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, 1941 A. D.

The Commission, on September 15, 1941, issued its Findings, Opinion, and Order denying the application of Public Service Corporation of New Jersey, under section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order declaring it not to be a subsidiary company of The United Gas Improvement Company and The United Corporation, registered holding companies. On September 19, 1941, Public Service Corporation of New Jersey filed a Petition for Rehearing by the Commission of matters covered by said Order.

The Commission has carefully considered said Petition for Rehearing in which Petitioner avers, among other things, that the Petition is presented to accomplish all steps which may be required to render effective the filing of a Petition for Review under the provisions of section 24 (a) of the Public Utility Holding Company Act of 1935.

It appears that the only ground presented in support of the Petition which was not disposed of in our Findings and Opinion of September 15, 1941 relates to the denial of Petitioner's motion for the making and filing of a report by the Trial Examiner. Our Findings and Opinion omitted discussion on this point because it was not raised in Petitioner's Brief or in oral argument when we consider the issues raised by the application. However, the denial of the motion furnishes no basis for a rehearing as Petitioner's own application and our original Notice of and Order for Hearing thereon framed the issues involved and gave Petitioner adequate notice thereof. Moreover, pursuant to the Commission's Order, the Requested Findings of Fact and Brief of Counsel to the Public Utilities Division were filed and submitted to Petitioner thirty days and fifteen days, respectively, in advance of the filing of Petitioner's Requested Findings of Fact and Brief. Nor does the Petitioner point out any respect in which the Original Notice of and Order for Hearing, and the Requested Findings of Fact and Brief of Counsel to the Public Utilities Division, failed to apprise them of the issues, nor any respect in which they were surprised as to the conception of those issues revealed in our Findings and Opinion. The Petitioner also stresses an alleged requirement of due process that a report be made by the individual who presided over the taking of the testimony. Without conceding that any such requirement exists, even in a case where there are issues as to the credibility of

witnesses, it should be pointed out that no such issues arose in this case, and that our own Findings and Opinion were based upon a careful review of the evidence, substantially all of which came from witnesses produced by Petitioner or from documents in the files of Petitioner or of affiliated interests. Under the circumstances, we saw no reason to grant such a motion, which would have resulted only in delaying the proceedings.

The Petition for Rehearing does not set forth any additional grounds not disposed of by our Findings and Opinion of September 15, 1941, or any matters not previously considered prior to the entry of the Order denying the application, on the basis of which the Commission should grant a rehearing.

It further appears that the date "1903" on Page 17, Line 13 of said Findings and Opinion of the Commission is erroneous and should read "1929".

It is therefore ordered, That the date "1903" on Page 17, Line 13, of the Findings and Opinion of the Commission, be stricken out and the date "1929" be substituted therefor;

It is further ordered, That said Petition for Rehearing, be, and the same hereby is, denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7532; Filed, October 8, 1941;
11:35 a. m.]

[File Nos. 54-33 and 59-25]

IN THE MATTER OF THE UNITED CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, 1941 A. D.

The Commission having issued, on August 18, 1941, its Order extending the time for the filing of the Respondent's answer to September 15, 1941, and postponing the scheduled public hearing to October 15, 1941; and

The Respondent having filed, on September 15, 1941, its answer and motion to dismiss the proceedings instituted under sections 11 (b) (1) and 11 (b) (2) of the Act; and the Commission having heard oral argument on said motion on October 2, 1941, taken the matter under advisement, and granted the Respondent until October 11, 1941 to file a brief with respect thereto, pending which time it appears appropriate to postpone the scheduled hearing;

It is ordered, That the public hearing, scheduled for October 15, 1941 be and is hereby postponed to October 21, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7533; Filed, October 8, 1941;
11:36 a. m.]

[File No. 812-203]

IN THE MATTER OF NATIONAL PLAN, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1941.

An application having been duly filed by the above named applicant under section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption to permit the transmittal of financial reports to its stockholders at a date later than that prescribed by Rule N-30D-1;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and Rules and Regulations of the Commission be held on October 16, 1941 at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7534; Filed, October 8, 1941;
11:36 a. m.]

[File No. 812-116]

IN THE MATTER OF SELECTED INVESTMENTS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (d) of the Investment Company Act of 1940 for an order of exemption from the provisions of that Act;

It is ordered, That a hearing on the aforementioned application be held on October 14, 1941, at 9:30 o'clock in the forenoon of that day at the Branch

Office of the Securities and Exchange Commission, United States Post Office and Court House, Los Angeles, California.

It is further ordered, That John G. Clarkson, Esq. or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be necessary in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7535; Filed, October 8, 1941;
11:36 a. m.]

[File No. 70-394]

IN THE MATTER OF AMERICAN UTILITIES
SERVICE CORPORATION AND MINNESOTA
UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1941.

American Utilities Service Corporation, a registered holding company, and Minnesota Utilities Company, its subsidiary company, having filed a declaration pursuant to Rule U-42 and Rule U-44 promulgated under the Public Utility Holding Company Act of 1935, regarding the sale by said Minnesota Utilities Company of certain of its utility assets to Otter Tail Power Company and the acquisition and retirement by said American Utilities Service Corporation of not to exceed \$400,000 principal amount of its Colateral Trust 6% Bonds, Series A; and

Said declaration having been filed September 2, 1941, and an amendment there-

to having been filed on September 30, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of Rule U-42 and Rule U-44 are satisfied;

It is hereby ordered, Pursuant to said U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7536; Filed, October 8, 1941;
11:37 a. m.]

